

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Sauletta G. Thomas,

Plaintiff,

v.

Christopher G. Murray, Individually, and
Piedmont, LLC,

Defendants.

CIVIL ACTION NO.: 2:22-cv-04434-DCN

COMPLAINT

(Jury Trial Demanded)

Plaintiff, Sauletta G. Thomas, by and through the undersigned attorneys and complaining of the Defendants above-named, would allege and show unto the Court the following:

JURISDICTION AND VENUE

1. That the motor vehicle collision occurred on September 3, 2021, in Berkeley County, State of South Carolina, and that at the time of the collision, Plaintiff was a citizen and resident of Orangeburg County, State of South Carolina.

2. That at the time of the collision on September 3, 2021, Defendant Christopher Murray (hereinafter referred to as “Murray”), upon information and belief, was a citizen and resident of the State of North Carolina.

3. That upon information and belief, Murray was, at all times relevant hereto, a motor carrier driver pursuant to 49 C.F.R. Part 392.3 and 49 C.F.R. Part 395.1 and 49 C.F.R. Part 395.8.

4. That Defendant Piedmont, LLC, at all times relevant hereto, was a foreign trucking company with its principal place of business in a State other than the State of South Carolina.

5. That at all times material hereto, Piedmont, LLC, operated a trucking company engaged in interstate commerce, and regularly and systematically conducted affairs and business activities in the State of South Carolina and, more particularly, Berkeley County.

6. That pursuant to 28 U.S.C. § 1332, this Court has jurisdiction based on complete diversity of citizenship of the parties and because the amount in controversy exceeds Seventy-Five Thousand (\$75,000.00) Dollars exclusive of interest and costs.

7. That in accordance with 28 U.S.C. § 1391 and Local Civil Rule 3.01(A)(1), venue is proper in the Charleston Division of the District of South Carolina as the alleged acts or omissions occurred in the Charleston Division of the State of South Carolina.

FOR A FIRST CAUSE OF ACTION

(Negligence/Gross Negligence as to Murray and Piedmont, LLC)

8. Plaintiff re-alleges and incorporates by reference the above paragraphs as if fully set forth herein verbatim.

9. At all times relevant hereto, Murray was an employee, agent, and legal representative of Piedmont, LLC, and acting in the course and scope of his employment.

10. Piedmont, LLC controlled the actions of Murray on September 3, 2021, and therefore is responsible for his actions and inactions on September 3, 2021.

11. On or about September 3, 2021, Plaintiff was operating a motor vehicle traveling north on Secondary 1255 in Berkeley County, South Carolina.

12. Plaintiff was acting in a reasonably prudent and careful manner at all times pertinent hereto.

13. At the same time, Murray's commercial motor vehicle, owned and operated by Piedmont, LLC, was traveling south approaching the intersection of Secondary 1255 and Private Drive in Berkeley County, South Carolina.

14. As Murray approached the intersection of Secondary 1255 and Private Drive, Murray disregarded the prevailing traffic conditions and began to make a left-hand turn, crossing the center line, directly in front of Plaintiff's vehicle, causing a violent collision.

15. The collision occurred through no fault of the Plaintiff.

16. As a result of the collision, Plaintiff suffered catastrophic physical injuries to her entire body resulting in great and excruciating pain, as well as other damages.

17. The collision, injuries, and damages described in this Complaint were the direct, foreseeable, and proximate result of the negligent and careless, willful, wanton, reckless, and grossly negligent acts or omissions of Murray who was acting in the course and scope of his employment, agency, and representation of Piedmont, LLC in the following particulars:

- a. Failing to keep a proper lookout;
- b. Failing to maintain his commercial motor vehicle under proper control;
- c. Failing to yield the right of way to the vehicle operated by Plaintiff in accordance with S.C. Code Ann. § 56-5-580, when the vehicle operated by Plaintiff possessed the right of way at all times pertinent hereto;
- d. Failing to operate a commercial motor vehicle as practicable entirely within a single lane, in violation of S.C. Code Ann. § 56-5-1900;
- e. Failing to remain in a single lane until it was first ascertained that such movement could be made with safety, in violation of S.C. Code Ann. § 56-5-1900;
- f. Failing to have due regard for the speed of such vehicles and the traffic upon and the condition of the roadway, in violation of S.C. Code Ann. § 56-5-1930;
- g. Driving a commercial motor vehicle in such a manner to indicate willful, wanton, reckless, grossly negligent, and negligent disregard for the safety of others, in violation of S.C. Code Ann. § 56-5-2920;
- h. Recklessly operating a commercial motor vehicle in such a manner as to indicate a willful or wanton disregard for the safety of persons and property in violation of S.C. Code Ann. § 56-5-2920;

- i. Failing to use the degree of care and caution that a reasonable person would have used under the circumstances then and there prevailing;
- j. Failing to have a record of duty status for the day of the wreck and thus being out of service pursuant to the FMCSR; and
- k. In such other and further particulars as the evidence at trial may show.

All of which acts and omissions, or both, were the actual, direct, and proximate result of the damages and injuries claimed herein.

18. In addition, as a direct, foreseeable, and proximate result of the negligent, reckless, willful, and wanton acts and omissions of Piedmont, LLC, and Murray, Plaintiff suffered catastrophic physical harm and injury and endured excruciating conscious pain and suffering, including mental distress and emotional anguish.

19. Due to the willful, wanton, reckless, grossly negligent, and negligent acts of Piedmont, LLC, and Murray as set out above, Plaintiff is entitled to recover actual and punitive damages, jointly and severally, as determined by a jury.

FOR A SECOND CAUSE OF ACTION
(Negligent Entrustment as to Piedmont, LLC)

20. Plaintiff re-alleges and incorporates by reference the above paragraphs as if fully set forth herein verbatim.

21. Piedmont, LLC knew or should have known that Murray was untrained and incapable of operating his commercial motor vehicle in the manner required by the FMCSR and state law.

22. Piedmont, LLC knew or should have known that Murray's inexperience and lack of training was evidence that he was incapable of complying with the FMCSR and state law and was therefore a reckless driver.

23. Piedmont, LLC entrusted a commercial motor vehicle to Murray despite knowing that he lacked proper training and experience.

24. In addition, as a direct, foreseeable, and proximate result of the negligent, reckless, willful, and wanton acts and omissions of Piedmont, LLC, and Murray, Plaintiff suffered catastrophic physical harm and injury and endured excruciating conscious pain and suffering, including mental distress and emotional anguish.

25. Due to the willful, wanton, reckless, grossly negligent, and negligent acts of Piedmont, LLC, and Murray as set out above, Plaintiff is entitled to recover actual and punitive damages, jointly and severally, as determined by a jury.

FOR A THIRD CAUSE OF ACTION

(Negligent Hiring, Training, Retention, and Supervision as to Piedmont, LLC)

26. Plaintiff re-alleges and incorporates by reference the above paragraphs as if fully set forth herein verbatim.

27. Piedmont, LLC owed statutory and common law duties to the Plaintiff not to negligently hire, supervise, or retain commercial truck drivers incapable of complying with all provisions of the FMCSR and state law.

28. Piedmont, LLC failed to properly review, interview, or interact with Murray prior to hiring Murray as a commercial truck driver.

29. Piedmont, LLC knew or should have known that Murray lacked the proper training, experience, and ability to comply with all provisions of the FMCSR and state law.

30. Piedmont, LLC knew or should have known that Murray's inexperience, lack of training, and inability to comply with the FMCSR was evidence that he was unable to comply with federal law and state law and was therefore a reckless driver.

31. Piedmont, LLC failed to comply with the FMCSR prior to utilizing Murray as a commercial truck driver.

32. Piedmont, LLC failed to properly supervise and train Murray in violation of the FMCSR and state law.

33. Piedmont, LLC allowed Murray to continue to operate a commercial motor vehicle without the most basic training, in violation of the FMCSR and state law.

34. In addition, as a direct, foreseeable, and proximate result of the negligent, reckless, willful, and wanton acts and omissions of Piedmont, LLC, and Murray, Plaintiff suffered catastrophic physical harm and injury and endured excruciating conscious pain and suffering, including mental distress and emotional anguish.

35. Due to the willful, wanton, reckless, grossly negligent, and negligent acts of Piedmont, LLC, and Murray as set out above, Plaintiff is entitled to recover actual and punitive damages, jointly and severally, as determined by a jury.

36. Plaintiff demands a jury trial.

WHEREFORE, Plaintiff prays for the following:

- i. Judgment against Defendants for actual and punitive damages in an amount to be determined by the jury;
- ii. For the costs of this action including interest from the date of filing of this Complaint, and a reasonable attorney's fee be taxed against the Defendants; and
- iii. For such other and further relief as this court deems just and proper.

(Signature Page to Follow)

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December 7, 2022
Charleston, South Carolina